Single Bench

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

W.P.NO. 4728/2004

PETITIONER : Dr. H.C. Godheja
S/o Late Shri Sunder Das,
Aged about 58 years,
Incharge Block Medical Officer,
Primary Health Centre, Gujra,
District-Dhamtari (CG).

VERSUS

RESPONDENTS 1) State of Chattisgarh
Through the Secretary,
Health & Family Welfare Deptt.
D.K.S. Bhawan, Raipur (CG).

2) The Under Secretary,
Health & Family Welfare Deptt.
State of Chhattisgarh,
D.K.S. Bhawan, Raipur (CG).

P.R. No. A/727/04
Presented by Shri P.R. Patankar
dated 02-12-04

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(24)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No.4728/04 **सन्** 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

18/01/2005

Shri P.Diwakar, learned Sr. Counsel with Ms. Pretha Ghoshal, counsel for the petitioner.

Shri Akhil Agrawal, P.L. for the State.

Heard on I.A. No. 9409/2004 for urgent hearing. It is allowed.

The matter is taken up on board. Hence, I.A. No. 9409/2004 for urgent hearing stands disposed of.

The petitioner who is In charge Block Medical Officer, Primary Health Centre, Gujra has preferred this petition against his transfer order of Annexure P-1, by which the petitioner has been transferred from Primary Health Centre, Gujra to District Hospital, Korba.

Learned counsel for the petitioner submits that the petitioner is to retire in the month of June 2006 and as such less than one and a half year of service is left for his retirement and as per ***General Book Circular*** Para 1 at Serial No. 6, Entry No.13,

> ***"Normally a Government Officer or employee should not be got transferred if only two years or less than two years of service is left or the retirement is within two years and even if the transfer is necessary in that case, he should be transferred to his home district or nearby as per the choice of such employee."***

Learned counsel for the petitioner further submits that the petitioner is a Ophthalmologist, but he had no opportunity to perform ophthalmic operations and it will not be possible for him to discharge the duties of surgeon in the transferred hospital.

Also heard learned counsel for the petitioner on M.W.P. No. 5013/2004 for grant of stay.

Gr. PRJ—FS/350—12/2000—50,000.

(29)

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	Learned counsel for the petitioner submits that interest of justice would be served if the petitioner is permitted to make a detailed representation before the respondents against the impugned order which shall be decided by the respondents within two months from the date of receipt of the representation. In view of this submission of the petitioner, the petition is disposed of with a direction to the petitioner to make a detailed representation before the respondents alleging grievances against his transfer and respondents shall decide the same within two months after the receipt of the representation by a reasoned order. In the meanwhile, it is directed that the impugned order vide Annexure P-1 shall not be given effect to till the representation is decided by the respondents and the petitioner shall be allowed to continue in the present place of posting. With the aforesaid direction, the petition stands disposed of. Consequently, M.W.P. No. 5013/2004 stands disposed of. Sd/- Dhirendra Mishra Judge	